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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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JOHN NALEWAJK,

                  Plaintiff,

         -against-

METROPOLITAN LIFE INSURANCE COMPANY,

                Defendant.
---X
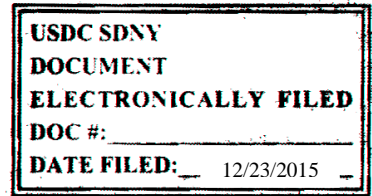
14-CV-8199 (JMF)(SN)

ORDER

SARAH NETBURN, United States Magistrate Judge:

On November 19, 2015, defendant Metropolitan Life Insurance Company filed a letter with the Hon. Jesse M. Furman requesting a conference to discuss dismissal of the lawsuit with prejudice. On December 18, 2015, Judge Furman referred this case to me for general case management and to report and recommend on any dispositve motions.

In defendant's letter, it represents that the parties reached a settlement agreement in principal, resulting in the Court entering a conditional order of dismissal on December 22, 2014, which provided the parties a sixty (60) day window to finalize a written release or request the Court to reopen the matter. Since that time, the plaintiff has refused to execute the settlement agreement and the time to move to reopen the litigation has run. Accordingly, the defendant seeks to have the Court dismiss this case with prejudice on the ground that plaintiff has abandoned the settlement negotiations and surrendered his right to prosecute the claims by refusing to communicate with the defendant.

The Court construes the defendant's November 19 letter as a motion to dismiss the action with prejudice. The plaintiff may file a response to this motion by January 15, 2016. If an opposition from plaintiff is filed, the defendant may file a reply letter by no later than
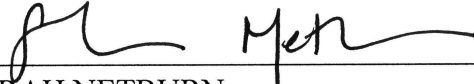
January 22, 2016. If the plaintiff, who is apparently proceeding pro se, fails to file an

opposition, the Court will deem the motion fully submitted.

SO ORDERED.

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SARAH NETBURN

United States Magistrate Judge

DATED: New York, New York
            December 23, 2015

cc: John Nalewajk
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